

Docket No. AB-131U1

Remarks/Arguments

Applicants acknowledge and appreciate the Examiner's indication that Claims 4, 8-11, 15-16 contain allowable subject matter. By way of the present amendment, applicant has herein amended Claims 4, 5, 8, 12, and 16 and canceled Claims 1-3 and 15. Twelve (12) claims remain pending in the application: Claims 4-14, and 16, of which Claims 4, 5, 8, and 12 are independent. Applicant respectfully requests reconsideration of the pending claims, in view of the amendments above and comments below.

By way of overview, the independent claims 4, 5, 8, and 12 have all been amended to include, *inter alia*, the subject matter indicated as allowable subject matter of prior dependent claims and canceled claims. As now amended, the independent claims all include elements of an active electrode array which are not found or taught in the prior art reference by Schallhorn et al. (Pat. No. 6,473,653).

Claim Rejections - 35 U.S.C. § 102(e)

The Examiner rejected Claims 1-3 and 5-7 under 35 U.S.C. 102(e) as being anticipated by Schallhorn et al. (Pat. No. 6,473,653). Claims 1- 3 have been canceled. Independent Claim 5 has been amended to include an element to the active electrode array which the '653 patent fails to teach or suggest. The added limitation to Claim 5 includes a "decoding circuitry" which was initially included in original Claim 8, in which Claim 8 was indicated to contain allowable subject matter. In view of this amendment, independent Claim 5 is now in condition for allowance and all of the dependent claims that depend therefrom.

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Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected Claims 12-14 under 35 U.S.C. 103(a) as being unpatentable over Schallhom et al. (Pat. No. 6,473,853). Independent Claim 12 has been amended to include the allowable subject matter found in original Claim 15, which claim has been canceled. Claim 16 has been amended to properly depend from Claim 12. It is now submitted that Claim 12 and all the dependent claims that depend therefrom, should be patentable.

Allowable Subject Matter

Applicants acknowledge and appreciate Examiner's indication of allowable subject matter found in objected Claims 4, 8-11, and 15-16, which claims the Examiner said would be allowable if rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims.

In view of the Examiner's observation over the prior art, as indicated in item 5 of the Office Action, Claims 4 and 8 have been rewritten in independent form to include the subject matter from the rejected base claim and all intervening claims. Claims 4 and 8 should now be in condition for allowance including all the dependent claims that depend therefrom. Claim 15 has been canceled and its allowable subject matter has been incorporated into Claim 12 as discussed above. Claim 16 has been amended to properly depend from Claim 12.

Conclusion

In view of the foregoing, it is respectfully submitted that the rejections have been overcome and that the pending claims are in condition for allowance. An indication of allowability of Claims 4-14 and 16 at an early date is thus earnestly solicited.

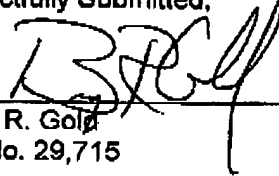
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The Examiner is invited to telephone the undersigned, Bryant R. Gold, at her convenience should any issues remain after consideration and entry of this response, in order to permit early resolution of such issues.

Respectfully Submitted,



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January 20, 2005

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